

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE BUILDING TRADES  
EDUCATIONAL BENEFIT FUND, THE BUILDING  
TRADES ANNUITY BENEFIT FUND, BUILDING  
TRADES WELFARE BENEFIT FUND and  
ELECTRICIAN'S RETIREMENT FUNDS,

Petitioners

-against-

LUX ELECTRIC INC.,

Respondents.

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**ORDER ADOPTING REPORT  
and RECOMMENDATION**

Civil Action No. 17-5160  
(DRH)(AYS)

**HURLEY, Senior District Judge:**

Presently before the Court is the Report and Recommendation of Magistrate Judge Anne Y. Shields, dated September 24, 2018, recommending that Plaintiffs' motion for default judgment be granted and that Plaintiffs be awarded damages as follows: (1) unpaid contributions in the amount of \$22,891.88; (2) interest in the amount of \$3,175.97; (3) liquidated damages in the amount of \$4,578.37; (4) audit fees in the amount of \$3,918.46; (5) attorney's fees in the amount of \$2,600.00; and (6) costs in the amount of \$529.50, for a total monetary award of \$37,694.18. More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its

result. Accordingly, the Court adopts the September 24, 2018 Report and Recommendation of Judge Shields as if set forth herein. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs' motion for default judgment against defendant Lux Electric Inc. is granted and Plaintiffs are awarded total damages in the amount of \$37,694.18, consisting of (1) unpaid contributions in the amount of \$22,891.88; (2) interest in the amount of \$3,175.97; (3) liquidated damages in the amount of \$4,578.37; (4) audit fees in the amount of \$3,918.46; (5) attorney's fees in the amount of \$2,600.00; and (6) costs in the amount of \$529.50. The Clerk of Court is directed to enter judgment accordingly and to close this case.

Dated: Central Islip, New York  
October 17, 2018

/s/ Denis R. Hurley  
Denis R. Hurley  
United States District Judge